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Cox Communications, Inc. *et al.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS, LLC,
Plaintiff,

Case No.: 2:23-cv-01049-JWH-KES
Case No.: 2:23-cv-01050-JWH-KES

v.
COX COMMUNICATIONS, INC., *et al.*,
Defendants.

***ENTROPIC COMMUNICATIONS, LLC
v. COX COMMUNICATIONS, INC., et
al., CASE NO. 2:23-cv-01049-JWH-KES***

ENTROPIC COMMUNICATIONS, LLC,
Plaintiff

**ENTROPIC COMMUNICATIONS, LLC
v. COMCAST CORPORATION, et al.,
CASE NO. 2:23-cv-01050-JWH-KES**

COMCAST CORPORATION, *et al.*,
Defendants

COX COMMUNICATION, INC., et al.

Counter-Claimant.

ENTROPIC COMMUNICATIONS, LLC;
MAXLINEAR, INC.; AND
MAXLINEAR COMMUNICATIONS
LLC,

Counter-Defendants.

1 The parties, Plaintiff Entropic Communications, LLC (“Entropic”) and
2 Defendants Cox Communications, Inc.; Coxcom, LLC; and Cox Communications
3 California LLC (collectively “Cox” or “Cox Defendants”); and Defendants Comcast
4 Corporation; Comcast Cable Communications, LLC; and Comcast Cable
5 Communications Management, LLC (collectively “Comcast” or “Comcast
6 Defendants”) (together with Entropic, the “Parties”) hereby submit the following Joint
7 Stipulation to consolidate the following cases through the date of the *Markman* hearing:

- 8 • *Entropic Communications, LLC v. Cox Communications, Inc., et al.*, Case
9 No. 2:23-cv-01049-JWH-KES;
10 • *Entropic Communications, LLC v. Comcast Corporation, et al.*, Case No.
11 2:23-cv-01050-JWH-KES; and

12 **WHEREAS**, Rule 42(a) of the Federal Rules of Civil Procedure provides that a
13 court may consolidate actions before it if the cases involve a common question of law
14 or fact;

15 **WHEREAS**, district courts have broad discretion under this rule to consolidate
16 cases pending within the same district, and consolidation of related cases in federal court
17 is strongly encouraged (*see Ashe v. Swenson*, 397 U.S. 436, 455 (1970); *Pierce v. County*
18 *of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008); *Investors Research Co. v. United States*
19 *Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777 (9th Cir. 1989));

20 **WHEREAS**, on February 10, 2023, Entropic filed complaints against Cox and
21 Comcast in the above-captioned cases, alleging infringement of the same patents;

22 **WHEREAS**, the two actions involve the same plaintiff, the same patents, and
23 claims of infringement directed to cable equipment;

24 **WHEREAS**, except for Comcast’s pending motion to dismiss for lack of subject
25 matter jurisdiction and Cox’s recently filed counterclaims, the cases are also
26 procedurally aligned in that they are all in their early stages and some have not
27 progressed beyond the pleading stage;

1 **WHEREAS**, consolidation of the cases would reduce the burden on the Court by:
2) reducing the number of duplicative filings and orders, and 2) reducing the number of
3 separate hearings on procedural and substantive issues the Court must schedule;

4 **WHEREAS**, consolidation of these cases would also increase efficiency for the
5 Parties;

6 **WHEREAS**, consolidation of the cases will avoid inconsistent results within each
7 case on identical issues, particularly with regard to discovery rulings and claim
8 construction of the same terms that are at issue in both cases;

9 **WHEREAS**, no party would be prejudiced by consolidation as all Parties have
10 agreed to consolidate cases for pretrial purposes through the *Markman* hearing.

11 **WHEREFORE**, the Parties hereby stipulate to request that the Court issue an
12 order consolidating the above-captioned cases against the Cox and Comcast Defendants
13 into a single action for pretrial purposes through the date of the *Markman* hearing, with
14 the Lead Case being 2:23-cv-01049-JWH-KES. The Parties further stipulate to request
15 that the Court order separate trials for each Defendant pursuant to Rule 42(b) of the
16 Federal Rules of Civil Procedure and 35 U.S.C. § 299.

17 Dated: October 16, 2023

Respectfully Submitted,

18 By: /s/ April E. Isaacson

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20 Dated: October 16, 2023

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14 **COMCAST CORPORATION; COMCAST**
15 **CABLE COMMUNICATIONS, LLC; AND**
16 **COMCAST CABLE COMMUNICATIONS**
17 **MANAGEMENT, LLC**

18 **SIGNATURE CERTIFICATION**

19 Pursuant to Local Rule 5-4.3.4(a)(2)(i), I, April E. Isaacson, attest that all other
20 signatories listed above concur in this filing's content and have authorized the filing.

21 /s/ April E. Isaacson

22 April E. Isaacson

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